IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 9222 OF 2005

Date: 10.08.2005

BETWEEN:

Smt. Bandari Anjamma

and another

…. PETITIONERS

Vs.

1. The Station House Officer, Uppal P.S.

Ranga Reddy District, and another.

…. RESPONDENTS

ORDER:

Though interlocutory matters are listed, the matter is heard finally and is being disposed of with the consent of both the parties.

The petitioners are residents of Uppal Village, Ranga Reddy District. They along with other family members owned and possessed an extent of Acs.2.00 of land in various survey numbers of Uppal Khalsa village. It appears they entered into an agreement of sale on 10.9.2003 with second respondent for selling the said land. As per the agreement of sale, second respondent has to pay balance of sale consideration Rs.1.10 lakhs (Rupees one crore ten lakhs only) and get the sale registered. As the second respondent did not do so, the petitioners issued a legal notice of cancellation of agreement. At this stage, it is alleged that at the behest of second respondent, first respondent started harassing the petitioners and called them to the Police Station and directed them to execute sale deed in favour of second respondent. The present writ petition is filed assailing the said action of the first respondent.

In the counter affidavit filed by the second respondent while denying the execution of agreement of sale it is stated that on a complaint given by him first respondent registered Crime No.321 of 2005 under Sections 406 and 420 of the Indian Penal Code and the investigation is pending. According to the second respondent, the writ petition is therefore not maintainable.

The Sub-inspector of Police, P.S. Uppal filed counter affidavit denying the petition

averments. It is stated that second respondent filed a private complaint on the file of the Court of the III Metropolitan Magistrate at L.B. Nagar, and the same was endorsed to the first respondent for investigation and report. Accordingly, Crime No.321 of 2005 was registered and investigation was taken up. The allegation made by the petitioners that first respondent called the petitioners and their family members to the police station on 18.4.2005 and threatened them to execute sale deed, is denied.

The petitioners have not filed any reply affidavit. Therefore, it must be held that the allegations made by them are not properly proved. Be that as it is, the facts disclosed in the pleadings of the petitioners as well as the second respondent show that the dispute between them arise out of agreement of sale dated 10.9.2003 and second respondent also filed a suit being O.S.No.83 of 2005 on the file of the Court of the Principal District Judge, Ranga Reddy District and the same is pending. This itself show that the dispute is purely a civil dispute and the police have no role to play. This is well settled. This Court in **S.Masthan Saheb v P.S.R. Anjaneyulu** and **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada**, considered this aspect of the matter**.**

In **J.Lakshmi @ Lakshmamma v Commissioner of Police, Vijayawada** (supra), after referring to the judgment in **S.Masthan Saheb v P.S.R. Anjaneyulu** (supra) as well as the code of conduct for police, this Court laid down as under.

> The Supreme Court has repeatedly held that when the dispute is purely of civil nature, the jurisdiction under Art.226 of the Constitution cannot be exercised. The Supreme Court also repeatedly laid down that when the dispute between the two citizens is of civil nature and no crime is registered, police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before the court of law or before the tribunal, the police have no jurisdiction to interfere in the civil dispute. Further, when there is a civil litigation either before a court of law or before a tribunal, the police cannot interfere and even if a complaint is made in relation to such dispute pending in a civil court, the citizens have to be advised to resolve the dispute through a duly constituted court of law.
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> In the scheme of the Constitution of India, the duty to resolve civil disputes is entrusted to judiciary. Police have no such power. Any interference by police in a pending civil dispute or a potential civil dispute between citizens or two groups of citizens is not within the province of the police. Furthermore, if a cognizable offence is reported to the police, it is the duty of the police to register the crime under Section 154 of the Code of Criminal Procedure, 1973 (Cr.P.C) and take up investigation immediately. In a given case, even if a civil dispute, to say a land dispute, is pending before a civil Court and if the quarrel between the two warring parties has a potential of resulting in a law and order problem posing threat to the society at large, the police can always take up the case only after registering the crime under Section 154 Cr.P.C. Without registering the crime and without any reason the police cannot interfere.

The Learned Government Pleader does not dispute the legal position. Therefore, this writ petition is disposed of directing the first respondent not to interfere in the

civil disputes, if any, between the petitioners and the second respondent.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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(**V.V.S. RAO, J.)**

10th August, 2005

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